

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,)	
v.)	02: 05cr385-02
CLARON HANNER)	

MEMORANDUM ORDER

Presently before the Court for disposition is the MOTION TO REQUIRE GOVERNMENT STIPULATION REGARDING THE FACT OF A PRIOR CONVICTION, filed by Defendant Claron Hanner (*Document No. 266*) and the government's Response (*Document No. 336*).

In Count Five of the Superseding Indictment, Defendant Hanner is charged with a violation of 18 U.S.C. § 922(g)(1) (felon in possession of a firearm). The Superseding Indictment charges and, according to Defendant, discovery reveals that Defendant Hanner was convicted of the crimes of Aggravated Assault and Robbery of a Motor Vehicle. Defendant is willing to stipulate to this fact. The government responds that it is willing to stipulate to the fact of Defendant's prior conviction(s).¹

Accordingly, this motion is **DENIED AS MOOT**.

So **ORDERED** this 26th day of March, 2007.

BY THE COURT:

s/Terrence F. McVerry
United States District Court Judge

¹ The government notes, however, that should Defendant testify during the "guilt" phase of this trial, evidence concerning the nature of his prior conviction(s) may be admissible under Federal Rule of Evidence 609, separate and apart from the stipulation. Additionally, the government represents that should there be a penalty phase of the trial, the government will seek to introduce evidence concerning Defendant's prior convictions.

cc: Tina O. Miller , Esquire
Assistant U.S. Attorney
Email: tina.o.miller@usdoj.gov

Leo M. Dillon,
Assistant U.S. Attorney
Email: Leo.Dillon@usdoj.gov

Martin A. Dietz, Esquire
Email: MDietzEsq@aol.com

Robert E. Stewart , Esquire
Email: restjs@msn.com

Caroline M. Roberto, Esquire
Email: croberto@choiceonemail.com

Jay T. McCamic , Esquire
McCamic, Sacco, Pizzuti & McCoid, PLLC
Email: jtmccamic@mspmlaw.com